

April 22, 1975

PRESIDENT: The amendment is withdrawn. We're back on the Cavanaugh amendment now.

CLERK: Now, Mr. President, another motion.

PRESIDENT: Read the motion.

CLERK: Mr. President, Senator Schmit offers the following amendment to the Cavanaugh amendment. On page 2, line 5 strike "31" and insert "30". In the Cavanaugh amendment 1, page 1189 of the Journal, line 7 strike "25" and insert "27" and after "thousand" insert "five hundred". Signed, Senator Schmit.

PRESIDENT: Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President, I move the adoption of the amendment to the Cavanaugh amendment. As I have said earlier, I do offer this amendment for the purpose which Senator Stull outlined that neither of us believe, and I'm sure that many persons agree with us, that there should be the discrepancy between the salaries of the various judges that exist today. We also recognize that there are serious differences in the case load. This may or may not be one of the factors that we should consider. Most of all I think we need to consider the fact that if the judiciary is going to attract the kind of persons who can effectively enforce and administer the laws, then you must have persons who are capable from the standpoint of wisdom and intelligence and knowledge of enforcing those laws. Now I know that it is not difficult to, find in some areas, people who will take these jobs at a salary which has been paid in the past. I want to point out also that it is not unusual for an attorney to earn sums in excess of that which we are talking about here today. We have required that these judges be attorneys. I think it's only fair that we therefore compensate them in relation to the money that they can earn in private practice. If this is not the case then we're going to find time, after time, after time that we are not going to have the caliber of persons on the bench that we want. I think the Judiciary Committee considered this at some length. The salary which was proposed in committee was reported to the floor for the purpose of discussion. I hope that all of you who have a point of view on this will discuss the issue. I want to ask you to seriously consider this amendment. It reflects the ability of the system to recognize the differences in responsibility and case load, work load. It also reflects the necessity, I believe in my opinion, of paying a salary that will attract the kind of person that can enforce the law that this Legislature passes. If we have been aware of any criticism in the past of laws that we have passed it sometimes comes from an individual who has been, he thinks, treated unfairly by the judiciary. We need to recognize that the work we do here is wasted unless we have qualified persons on the bench. I'd like to do what everyone here would like to do and keep the salaries where they're at. We all know that's not realistic. We all know that times have changed. We all know that the workload has changed. We have seen a 25 percent increase in the crime rate in